

# **EXHIBIT H**

**(Excerpts of Transcript of Hearing Held on August 24, 2016)**

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1 UNITED STATES BANKRUPTCY COURT

2 SOUTHERN DISTRICT OF NEW YORK

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4 SECURITIES INVESTOR

5 PROTECTION CORPORATION,

6 Plaintiff,

7 v. Adv. Case No. 08-01789 (SMB)

8 BERNARD L. MADOFF

9 INVESTMENT SECURITIES

10 LLC,

11 Defendant.

12 - - - - - x

13 U.S. Bankruptcy Court

14 One Bowling Green

15 New York, New York

16

17 August 24, 2016

18 10:10 AM

19

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21 B E F O R E :

22 HON STUART M. BERNSTEIN

23 U.S. BANKRUPTCY JUDGE

24

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1 effect.

2 THE COURT: All right. I'm not saying you have to  
3 do it --

4 MR. MURPHY: Okay.

5 THE COURT: -- I was just asking. I thought it  
6 might streamline things. But go ahead.

7 MR. MURPHY: Why don't we just -- we have put the  
8 details in our response, I don't think I need to go through  
9 it here with respect to why the adversary proceedings were  
10 or were not affected by 1992 given the discussion here  
11 today.

12 For example, 80 of the adversary proceedings, 61  
13 of those accounts that were involved in that -- in those  
14 adversary proceedings were opened after 1992 and had no  
15 affect from anything prior to 1992.

16 The second prong it relates to 61 of the accounts.  
17 And with respect to those accounts, while they may have been  
18 opened after 1992 and they may have -- or been affected by  
19 something prior to 1992 such as from an interaccount  
20 transfer, after all the calculations are made and taken into  
21 account those people still had withdrawn more funds prior to  
22 the two-year period such that there was no principal left.  
23 It would not change their fictitious profit calculation.

24 Your Honor, I would just ask if a deposition is  
25 authorized that we would limit the areas approved by the

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1 Court, any deposition not be used for purposes of getting  
2 testimony for use in other proceedings for the profit  
3 withdrawal or Picauer.

4 THE COURT: I don't know how I'd do that though.

5 MR. MURPHY: I think maybe it would be --

6 THE COURT: For example --

7 MR. MURPHY: -- the questions would be --

8 THE COURT: -- assume Ms. Chaitman has some  
9 clients or maybe not where the discovery cutoff has run. Do  
10 you have any of those?

11 MS. CHAITMAN: I have some clients where the  
12 discovery cutoff has run.

13 THE COURT: All right. So but if we're litigating  
14 in those particular cases and Mr. Madoff has said, you know,  
15 the scheme began on January 1st, 1992 how do I not use that  
16 information?

17 MR. MURPHY: Right, Your Honor --

18 THE COURT: Or anybody else for that matter.

19 MR. MURPHY: I think maybe Your Honor would have  
20 to be perhaps after the deposition when counsel goes through  
21 it to see if there are any areas which either the trustee or  
22 for example counsel for the Picauer find were beyond the  
23 scope or would want to have --

24 THE COURT: Well that's different.

25 MR. MURPHY: That's a request we would make also,

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1 Your Honor, to have a procedure by which there would be  
2 sufficient time to do that.

3 THE COURT: The same procedure we had in the  
4 profit withdrawal order.

5 MR. MURPHY: Right, Your Honor.

6 With respect to the deposition, Your Honor, I  
7 would ask -- Ms. Chaitman I think suggested a two-day  
8 process. I would request a one-day process or at least that  
9 people be prepared in the event that it happened over one  
10 day such that if the deposition were relatively short and we  
11 were all there and waiting for all afternoon people would be  
12 able to review what --

13 THE COURT: Well the idea of this is I think so a  
14 lot of people don't have to traipse down to the prison,  
15 which I understand is a problem any way with the prison  
16 authorities.

17 MS. CHAITMAN: It is. They have -- the deposition  
18 room is a very small room --

19 THE COURT: Right.

20 MS. CHAITMAN: -- it doesn't comfortably hold more  
21 than six people.

22 THE COURT: And, you know, maybe you can convince  
23 people between the first day and the second day that as to  
24 their particular cases -- Ms. Chaitman has a lot of cases so  
25 this may not be true of her -- but to those who only have